REMARKS/ARGUMENTS

Claims 1, 2, 5, 8, 11, 12, 17 to 22, 38 to 45, 58 and 60 to 74 remain in this application. Claims 3, 4, 6, 7, 9, 10, 13 to 16, 23 to 37, 46 to 57 and 59 have been cancelled, without prejudice. Claims 3, 4, 6, 7, 9, 10, 13 to 16, 56, 57 and 59 are newly canceled and claims 61 to 74 are newly added.

Claims 1 and 38 have been amended to improve definiteness and further define the invention. The limitations of claims 3 and 7 have been included in amended claims 1 and 38.

In claim 1, as well as claims 2, 11, 38 and 42, the term "crosslinked" has been substituted for "thermoset". Support for this amendment is found in the carryover paragraph on pages 10 and 11 of the specification, for example. The Examiner had objected to the term "thermoset" as being unsupported. *Hawley's Condensed Chemical Dictionary*, 14th Edition, published by John Wiley & Sons, copyrighted 2001, on page 1093, defines "thermoset" as "A high polymer that solidifies or 'sets' irreversibly when heated. This property is usually associated with a cross-linking reaction of the molecular constituents induced by heat or radiation." However, the objection is moot in view of the amendment to the claims.

Support for the crosslinked top coat being homogeneous, except for any gloss controlling agent and the flatting agent in claims 1 and 69 is found at the middle of page 13 of the specification where the coating composition can be applied by any conventional method, which results in the same composition being applied over substantially the entire substrate and pattern layer. Therefore, the composition is homogeneous. However, as discussed in the carryover paragraph on pages 4 and 5, the flatting agent is believed to

concentrate near the top of the lower gloss areas, and at pages 2 and 13, for example, where it is disclosed that the gloss controlling agent is printed on the substrate and the coating composition is applied, resulting in the gloss controlling agent migrating into the coating composition that is in contact with the printed gloss controlling agent.

Claims 5, 8, 11, 12, 17 to 22, 55 and 60 were amended to improve definiteness and remove any implication of process limitations. "Radiation curable composition" has been changed to "crosslinked top coat." "UV-curable composition" has been changed to "crosslinked top coat."

The process limitations in claims 11 and 17 to 22 were either removed or converted to structural limitations. Exposure to UV irradiation and/or heat requires a photoinitiator, thermal initiator or combinations of the two initiators. Exposure to EB irradiation does not require a photoinitiator. The claimed invention of original claim 18 is now presented in claims 18 and 66.

Claim 38 has been amended to require the film to have an exposed surface. Support for this limitation is found at pages 12 and 17, where it is disclosed that the film, after coating, may be laminated to a substrate.

New claims 61 to 65 and 67 to 70 were added to more definitely define the invention. Claim 61 clearly indicates that the crosslinked top coat includes a photoinitiator in both the first and second regions.

Claim 62 clearly indicates that the same photoinitiator is used in the first region, the second region and in the patterned layer. Therefore, while the same photoinitiator is present in both the first and second regions of the crosslinked top coat and patterned

layer, the concentration of the photoinitiator is different between the first and second regions.

Claims 63 and 74 clearly indicate that the concentration of the first gloss controlling agent can be zero.

Claim 64 clearly indicates that the patterned layer is an ink layer.

Claim 65 clearly indicates that the patterned layer is discontinuous.

Claim 67 depends on claim 19 and includes a limitation deleted from claim 19.

Claims 68 to 73 further define the surface covering component of claim 38.

Claims 1, 2, 5 and 6 were rejected under 35 U.S.C. 102(b) as being anticipated by Miller, Jr. et al. U.S. Patent No. 4,689,259 (Miller). The Miller reference was incorrectly identified in paragraph 5 on page 3 of the Office Action, but correctly identified on Form PTO-A820.

Claim 1, from which claims 2, 5 and 6 depend, has been amended to include the limitations of claims 3 and 7. Therefore, the gloss controlling agent is required to be a thermal initiator, a photoinitiator, a photosensitizer, an accelerator, an inhibitor or combinations thereof. The different gloss levels are obtained in Miller by the use of particles 8. Therefore, amended claim 1 and the claims dependent thereon not anticipated by Miller.

Claims 1, 3, 4, 7 to 13, 15 to 22, 38 to 42, 44, 45 and 55 to 60 were rejected as being obvious over Miller in view of Richard US Patent No. 5,091,211 (Richard). The Examiner looks to Richard for a teaching of a wear layer having photosensitizers or flatting agents. However, Richard's photosensitizers and flatting agents are uniformly distributed within the wear layer composition. There is no teaching or suggestion in

Richard of a different gloss levels. Therefore, there is no teaching or suggestion of two different concentrations of a thermal initiator, a photoinitiator, a photosensitizer, an accelerator or an inhibitor gloss controlling agent, and independent claims 1 and 38 are allowable over the combination of Miller and Richard.

Applicants respectfully request that a timely Notice of Allowance be issued in the application.

Respectfully submitted,

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